

### **REMARKS**

Applicants respectfully request reconsideration of the present Application. Claims 1, 2, 5-9, 12, 15-20, 22-26, 27 and 29 have been amended herein. Care has been exercised to introduce no new matter. Claims 1-29 are pending and are in condition for allowance.

#### **Rejections based on 35 U.S.C. § 103(a)**

Title 35 U.S.C. § 103(a) declares that a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying the scope and content of the prior art, the level of ordinary skill in the prior art, the differences between the claimed invention and prior art references, and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to establish the clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP § 2142. The analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See* MPEP § 2143; *See also KSR v. Teleflex*, 127 S. Ct. 1727 (2007). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *See* MPEP § 2141.02(I).

To reach a proper determination of obviousness, the Examiner must step backward in time and into the shoes worn by the hypothetical “person of ordinary skill in the art”

when the invention was unknown and just before it was made. In view of all factual information, the Examiner must then determine whether the claimed invention “as a whole” would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination. Impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. *See* MPEP § 2142.

Claims 1-8, 10-12, 14-26 and 28-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegel et al., U.S. Publication No. 2002/0143961 (hereinafter “Siegel”) in view of Challener et al., U.S. Patent No. 6,470,454 (hereinafter “Challener”) and Hamzy et al., U.S. Publication No. 2004/0210928 (hereinafter “Hamzy”). Applicants respectfully submit that Siegel, Challener and Hamzy, either alone or in combination, fail to teach or suggest all recited features of claims 1-8, 10-12, 14-26 and 28-29.

### **Independent Claim 1**

Independent claim 1 recites a method for prioritizing user application preferences based on user input data. Further, claim 1 recites “securing the user choice setting using an access control indicator, wherein the access control indicator prohibits the application from modifying the user choice setting associated with the application.” In contrast, Siegel teaches away from having an access control indicator. Rather, Siegel teaches a system of allowing clients (such as service providers) to access a user profile, wherein access rights for each of the clients may include “write access, which *enables a client to write and read data from the associated unit of data.*” *See Siegel*, [0032] (emphasis added). As such, Siegel does not disclose a means for preventing applications from modifying user choice settings.

Additionally, claim 1 recites “in response to receiving a request from the application to modify the user choice setting associated with the application, *generating an*

*approval user interface requesting authorization of the modification from the user to modify the user choice setting*” (emphasis added). This limitation has been amended to clarify the requirement in claim 1 of presenting a user with a user interface in order to receive authorization from the user for a modification to the user choice setting. In contrast, Spiegel fails to teach the generation of an approval user interface. Moreover, Siegel fails to teach the receipt of a request from the application to modify the user choice setting. In order to cure Spiegel’s deficiencies, the Office Action states “Hamzy teaches in response to receiving a request from the application to modify the user choice setting, requesting authorization from the user to modify the user choice setting.” *Office Action*, page 4. However, at best Hamzy teaches “authentication . . . to confirm user.” *Hamzy* as described in *Office Action*, page 4 (emphasis added). In contrast, claim 1 of the present invention recites the limitation of requesting authorization *of the modification from the user* (emphasis added). As such, claim 1 is patentable over Hamzy.

Therefore, claim 1 is patentable over Siegel in view of Hamzy. Moreover, Applicants respectfully assert Challenger fails to cure the deficiencies of Siegel in view of Hamzy. As such, claim 1 is patentable over Siegel in view of Challenger and Hamzy. Each of claims 2-8 and 10-11 depend, either directly or indirectly, from claim 1. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejections of claims 1-8 and 10-11 be withdrawn.

### **Independent Claim 12**

Independent claim 12 recites a system for storing user choice settings in a data repository to prevent undesired modifications to the user choice settings. Further, claim 12 recites “an interface to control modifications to the user choice setting, wherein the interface *generates an approval user interface* on a computing device of the user in response to receiving a request from the first application or another application to modify the user choice setting”

(emphasis added). As such, claim 12 is patentable over Siegel in view of Challener and Hamzy for at least the reasons given above.

Therefore, claim 12 is patentable over Siegel in view of Challener and Hamzy. Each of claims 14-18 depend, either directly or indirectly, from claim 12. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejections of claims 12 and 14-18 be withdrawn.

### **Independent Claim 19**

Independent claim 19 recites a computer-accessible medium having components for safely modifying user application preferences for when and how an application is to operate on a computer of the user. Further, claim 19 recites “secure the user choice setting using an access control indicator, wherein the access control indicator prohibits the application from modifying the user choice setting associated with the application.” Additionally, claim 19 recites “in response to a request from the application to modify the user choice setting, *generate an approval user interface* requesting authorization of the modification from the user to modify the user choice setting” (emphasis added). As such, claim 19 is patentable over Siegel in view of Challener and Hamzy for at least the reasons given above.

Therefore, claim 19 is patentable over Siegel in view of Challener and Hamzy. Each of claims 20-26 and 28-29 depend, either directly or indirectly, from claim 12. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejections of claims 19-26 and 28-29 be withdrawn.

Claims 9, 13 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegel, Challener and Hamzy in view of Giordano III et al., U.S. Patent No. 6,370,141 (hereinafter “Giordano”). Each of claims 9, 13 and 27 depend, either directly or indirectly, from

claims 1, 12 and 19, respectively. As such, they are patentable over Siegel in view of Challener and Hamzy for at least the reasons given above. Moreover, Applicants respectfully assert Giordano fails to cure the deficiencies of Siegel in view of Challener and Hamzy. Therefore, claims 9, 13 and 27 are patentable over Siegel in view of Challener, Hamzy and Giordana. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejections of claims 9, 13 and 27 be withdrawn.

### **CONCLUSION**

For at least the reasons stated above, claims 1-29 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [kadsmith@shb.com](mailto:kadsmith@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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